

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|--|---|-----------------|
| APPLICATION OF THE CINCINNATI SMSA |) | |
| LIMITED PARTNERSHIP FOR THE ISSUANCE OF A |) | |
| CERTIFICATE OF PUBLIC CONVENIENCE AND |) | |
| NECESSITY TO CONSTRUCT A NEW CELL FACILITY |) | CASE NO. 93-253 |
| FOR ITS DOMESTIC PUBLIC CELLULAR RADIO |) | |
| TELECOMMUNICATIONS SERVICE IN HEBRON, |) | |
| KENTUCKY, IN THE KENTUCKY PORTION OF THE |) | |
| CINCINNATI MSA |) | |

O R D E R

On September 7, 1993, Cincinnati SMSA Limited Partnership ("Cincinnati SMSA") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for the Cincinnati Metropolitan Service Area ("Cincinnati MSA"). The Cincinnati MSA includes Boone, Campbell, and Kenton counties in Kentucky. Cincinnati SMSA has requested authorization to construct a cell site in Boone County. Cincinnati SMSA was previously granted authority to operate a cellular radio telecommunications system in the Cincinnati MSA in Case No. 8916.¹

The proposed cell site consists of a 155-foot or less monopole antenna tower to be located at 3257 Point Pleasant Road, in Hebron,

¹ The Application of the Cincinnati SMSA Limited Partnership for the Issuance of a Certificate of Public Convenience and Necessity to Provide a New Domestic Public Cellular Radio Telecommunications Service to the Public in the Greater Cincinnati Metropolitan Area Including All, or Parts of, Butler, Clermont, Hamilton, and Warren Counties in Ohio, Boone, Campbell, Gallatin, and Kenton Counties in Kentucky.

Kentucky ("the Hebron cell site"). The coordinates for the Hebron cell site are North Latitude 39° 03' 48" by West Longitude 84° 37' 50".

Cincinnati SMSA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Hebron cell site. Based upon the application, the design of the tower and foundation appears to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Hebron cell site's construction is exempt from local zoning ordinances. Approvals from the Federal Aviation Administration and the Kentucky Airport Zoning Commission are not required for the Hebron tower site, as the height of the tower will not exceed 200 feet.

Cincinnati SMSA has filed notices verifying that each property owner or resident within 500 feet of the Hebron cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. On July 27, 1993, the Commission received an inquiry letter from Dennis R. Ellis. On August 2, 1993, Cincinnati SMSA was ordered by the Commission to respond to Mr. Ellis. The Commission concurrently notified Mr. Ellis of his right to intervene. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon

complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Cincinnati SMSA should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including the removal of the unused antenna tower, which should be observed by Cincinnati SMSA.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Cincinnati SMSA should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in the Cincinnati SMSA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Cincinnati SMSA be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the proposed Hebron cell site consisting of a 155-foot or less monopole antenna tower to be located at 3257 Point Pleasant Road, in Hebron, Boone County, Kentucky. The coordinates for the proposed Hebron cell site are North Latitude 39° 03' 48" by West Longitude 84° 37' 50".

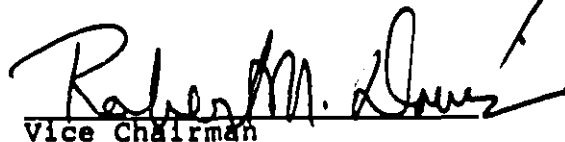
2. Cincinnati SMSA shall immediately notify the Commission in writing, if, after the antenna tower is built and utility

service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 4th day of November, 1993.

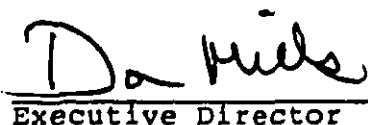
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director